

UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-80031

v.

District Judge John Corbett O'Meara
Magistrate Judge R. Steven Whalen

LONDON DOTTERY,

Defendant.

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ORDER REGARDING PRETRIAL MOTIONS

Defendant London Dottery has filed the following pretrial motions, which have been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A): (1) Motion to Adopt Defendant Mario Taylor's Pretrial Motions [Docket #116]; (2) Motion to Make 8-18-05 Order Applicable to Defendant Dottery [Docket #126]; (3) Motion for Pretrial Disclosure of Rule 404(b) Evidence [Docket #s 117 and 120]; (4) Motion for Early Return of Trial Supboenas and Issuance Thereof In Forma Pauperis [Docket #118]; (5) Motion for Preservation of Agent's Rough Notes and Writings [Docket #119]. The Court having reviewed the pleadings and having heard the argument of counsel on September 14, 2005,

IT IS ORDERED that the Motion to Adopt Defendant Mario Taylor's Motions [Docket #116] and to Make 8-18-05 Order Applicable to Dottery are GRANTED.

IT IS FURTHER ORDERED that Motion for Pretrial Disclosure of Rule 404(b)

Evidence [Docket #s 117 and 120] is GRANTED.

IT IS FURTHER ORDERED that the Motion for Early Return of Trial Subpoenas [Docket #118] is DENIED WITHOUT PREJUDICE, as premature. Because counsel has been appointed under the Criminal Justice Act, trial subpoenas for witnesses under Fed.R.Crim.P. 17(b) must be ordered upon the Defendant's ex parte application made at the appropriate time, and they shall be. As to requests for document subpoenas under Rule 17 (c), Defendant may, if he deems it necessary, make such a request for specific material so long as it falls within the requirements set forth in *United States v. Nixon*, 418 U.S. 683 (1974).

IT IS FURTHER ORDERED that the Motion to Preserve Agent's Rough Notes and Writings [Docket #119] is GRANTED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: September 15, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on September 15, 2005.

S/Gina Wilson
Judicial Assistant